

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 861 - HB 1006

February 19, 2017

SUMMARY OF BILL: Grants civil and criminal immunity to any person who uses or threatens to use force in justified self-defense, defense of another, or defense from a person committing a criminal offense unless the person against whom the force is used is a law enforcement officer and the person exercising the force knew the other person to be a law enforcement officer.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Title 39, chapter 11, part 6 provides certain defense to criminal activity, including self-defense or defense of another. These defenses are asserted by defendants, and a jury determines whether or not the defenses apply to the conduct of the defendant.
- The proposed legislation changes the current procedure by conferring the decision of whether a person was justified in using force from the jury to a law enforcement agency, including district attorneys.
- Tennessee Code Annotated § 39-11-622 does not extend civil immunity to instances where the use of force resulted in property damage to or death or injury of an innocent bystander or another against whom the force used was not justified.
- It is assumed that the proposed legislation will not significantly impact the operations of law enforcement, the courts, the district attorneys, or public defenders.
- Local law enforcement contacts, the Tennessee Bureau of Investigation, the Department of Safety, the District Attorneys General Conference, the District Public Defenders Conference, and the Administrative Office of the Courts confirm that the proposed legislation will not significantly impact their operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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